

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 13, 1991
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Filner at 3:56 p.m. The meeting was recessed by Deputy Mayor Filner at 3:58 p.m. to convene the Special Council Meeting. The meeting was reconvened at 4:00 p.m. with Mayor O'Connor and Council Members Hartley and McCarty not present. The meeting was adjourned at 6:08 p.m. to meet in Closed Session in the twelfth floor conference room to discuss Meet and Confer, and to meet in Closed Session on Tuesday, May 14, 1991, at 9:00 a.m. in the twelfth floor conference room to discuss pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (mp)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present

- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-10: INVOCATION

None given.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Pratt.

FILE LOCATION: MINUTES

ITEM-30: APPROVED MINUTES

Approval of Council Minutes for the Meetings of:

4/15/91
4/15/91 Special
4/15/91, held 4/16/91
4/16/91
4/16/91 Special
4/17/91 Special

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A080-084.)

MOTION BY HENDERSON TO APPROVE THE MINUTES. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-31: (R-91-1839) ADOPTED AS RESOLUTION R-277882

Proclaiming May 19, 1991, to be "Chaney Allen Day" in San Diego, and acknowledging appreciation for Ms. Chaney's efforts to work in the San Diego community; applauding Ms. Allen's leadership and spirit in helping people with their addictions and alcoholism.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A087-155.)

MOTION BY PRATT TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-32: (R-91-1785) ADOPTED AS RESOLUTION R-277883

Recognizing and commending the San Diego Child Care Coalition for sponsorship of the "Say Yes to Kids" Faire; designating the month of June as "Say Yes to Kids Month" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A180-224.)

MOTION BY ROBERTS TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-33: NOTED AND FILED

Matter of the request of Mario Le Alcala, by Diano Salvatori, for a hearing of an appeal from the decision of the Planning Commission in denying Coastal Development Permit CDP-89-1018, proposing to demolish the existing structures and construct five, detached, two-story condominiums. The subject property (approximately 15,400 square feet) is located at 4561 Niagara Avenue, in Zone R-3000, in the Peninsula Community Plan Area, and is more particularly described as the northwesterly ten feet of Lot 38 and all of Lots 39 through 42, Block 6, Ocean Beach, Map-279.

(CDP-89-1018. District-2.)

A motion granting or denying the request for a hearing
of the appeal.

FILE LOCATION: PERM - CDP-89-1018

COUNCIL ACTION: (Tape location: 225-234.)

MOTION BY ROBERTS TO NOTE AND FILE. Second by Hartley.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-50: (O-91-149) ADOPTED AS ORDINANCE O-17640 (New
Series)

Applying the Hillside Review Overlay Zone (HR) to
parcels within the Southeast San Diego Community
Planning Area, including Area 9.
(Districts-4 and 8. Introduced on 4/30/91. Council
voted 8-0. District 2 not present.)

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A254-387.)

MOTION BY PRATT TO DISPENSE WITH THE READING AND ADOPT.
Second by Hartley. Passed by the following vote:
Wolfsheimer-yea, Roberts-not present, Hartley-yea,
Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea,
Mayor O'Connor-yea.

* ITEM-51:

Two actions relative to the Second Phase of the San
Ysidro Implementation Program:
(District-8.)

Subitem-A: (O-91-151 Rev.1) ADOPTED AS ORDINANCE
O-17641 (New Series)

Rezoning various properties generally located south of
Highway 905, between Hollister Street and the eastern
boundary of the San Ysidro Community Plan Area, more
specifically identified on Map-C-836, for the purpose
of implementing the 1990 update of the San Ysidro
Community Plan.

(Introduced as amended on 4/30/91. Council voted 7-0.
District 6 and Mayor not present.)

Subitem-B: (O-91-150 Cor.Copy) ADOPTED AS ORDINANCE
O-17642 (New Series)

Amending Chapter X, Article 3, Division 22, of the San Diego Municipal Code by amending Sections 103.2202, 103.2203, 103.2204 and 103.2205 relating to the San Ysidro Implementing Ordinance.

(Introduced on 4/30/91. Council voted 7-0. District 6 and Mayor not present.)

FILE LOCATION: LAND - San Ysidro Community Plan

COUNCIL ACTION: (Tape location: A245-253.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-52: (O-91-164) INTRODUCED, TO BE ADOPTED MAY 28, 1991

Introduction of an Ordinance amending Chapter II, Article 4, Division 10, of the San Diego Municipal Code by adding Section 24.1010 relating to compliance with certain Internal Revenue Code Provisions.

(See Report from Retirement Administrator dated 4/4/91.)

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A388-399.)

CONSENT MOTION BY HENDERSON TO INTRODUCE. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-91-1334) ADOPTED AS RESOLUTION R-277884

Awarding contracts to Western Water Works Supply Co., Westburne Supply and Marden Susco, Inc. for the purchase of three specific waterworks valves, as may be required for a period of one year beginning April 1, 1991 through March 31, 1992, for a total estimated cost of \$54,100, including tax, terms and escalation. (BID-E2157/91)

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FILE LOCATION: CONT - Purchase - Western Water Works Supply
Co., Westburne Supply and Marden Susco, Inc.
CONTFY91-2

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-91-1332) ADOPTED AS RESOLUTION R-277885

Awarding a contract to Imperial West Chemical Co., for
the purchase of ferric chloride, as may be required for
a period of one year beginning May 1, 1991 through
April 30, 1992, for an estimated cost of \$441,200,
including terms, with an option to renew the contract
for one additional one year period, with a price
escalation not to exceed 15 percent of prices in effect
at the end of the prior year; in the event the
Contractor is unable to perform according to
specifications, the Purchasing Agent is authorized to
award the contract to the next low bidder or to
purchase this material on the open market until the
contract can be rebid. (BID-B2072/91)

FILE LOCATION: CONT - Purchase - Imperial West Chemical Co.
CONTFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-91-1327) ADOPTED AS RESOLUTION R-277886

Accepting the offer of Fluid Conservation Systems
Corporation and authorizing the execution of a contract
for one leak detection system for an estimated total
cost of \$61,801.40, including tax, delivery and
training;

authorizing the expenditure of not to exceed \$61,801.40 from Department No. 700, Organization No. 960, Object Account No. 6010, and Job Order No. 11998, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-E2244/91)

Aud. Cert. 9100823.

FILE LOCATION: CONT - Purchase - Fluid Conservation Systems Corporation CONTFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-91-1333) ADOPTED AS RESOLUTION R-277887

Awarding contracts to A-1 Soils Company, Nelson and Sloan, Superior Rock Products, Inc. and J.L. Lester Company for the purchase of decomposed granite, processed miscellaneous base, 3/4 inch and 1 inch crushed rock, fill sand and top soil, delivered within the City, as may be required for a period of one year beginning April 1, 1991 through March 31, 1992.
(BID-E2176/91)

FILE LOCATION: CONT - Purchase - A-1 Soils Company, Nelson and Sloan, Superior Rock Products, Inc. and J. L. Lester Company CONTFY91-4

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104: (R-91-1562) ADOPTED AS RESOLUTION R-277888

Inviting bids for the Construction of Golden Hill Revitalization 30th and Fern Streets - Phase 1 on Work

Order No. 119308; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of \$132,500 from CDBG Fund No. 18524, \$555,000 from CDBG Fund No. 18526 and \$6,817 from CIP-58-007, Capital Outlay Fund 30245, totaling \$694,317, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K2350/91)
(Golden Hill Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: This project is the first phase of construction of the Golden Hill Public Improvements on Grape Street between Fern and 30th Streets, and on Beech Street between Dale and Fern Streets. The project will replace sidewalks, curbs/gutters, and install street lighting, trees, tree grates, an irrigation system, benches, trash receptacles and a clock. The community has initiated the formation of a maintenance fund consisting of voluntary contributions from area residents and businesses. The fund will be administered by the new Golden Hill Community Development Corporation.

Aud. Cert. 9100652.

FILE LOCATION: W.O. 119308 CONT - T. B. Penick & Sons, Inc.
CONFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105: (R-91-1563) ADOPTED AS RESOLUTION R-277889

Inviting bids for Golden Hill Revitalization - 25th Street Phase 1 on Work Order No. 119304; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of \$118,050 from CDBG Fund No. 18519, \$72,240 from Fund No. 18520, \$185,000 from Fund No. 18526, and \$3,895 from CIP-58-007, Capital Outlay Fund 30245, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-K2351/91)

(Golden Hill Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This project is the first phase of the Golden Hill Public Improvements - 25th Street project area and will install public improvements on 25th Street between Russ Boulevard and E Street (Highway 94). The project will replace sidewalks, curbs/gutters and install street lighting. A public plaza on the southwest corner of Broadway and 25th Street will be installed with benches, lights, trees and an irrigation system. The public plaza is an easement agreement between the owner, Broadway Associates, and the City.

Petitions have been submitted to the Special Districts Section of the Engineering and Development Division to initiate the formation of a lighting district.

Aud. Cert. 9100653.

FILE LOCATION: W.O. 119304 CONT - Caves Construction, Inc.
CONFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106:

Two actions relative to the final subdivision map of Allen - Jensen Estates Unit No. 1, a 4-lot subdivision located northwesterly of Coronado Avenue and Thermal Avenue:

(Otay Mesa-Nestor Community Area. District-2.)

Subitem-A: (R-91-1830) ADOPTED AS RESOLUTION R-277890

Authorizing the execution of a Subdivision Improvement Agreement with W.R. Allen, Elmer Ray Allen and Harold K. Jensen, for the installation and completion of public improvements.

Subitem-B: (R-91-1829) ADOPTED AS RESOLUTION R-277891

Approving the final map.

FILE LOCATION: SUBD - Allen - Jensen Estates Unit No. 1
CONTFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-91-1832) ADOPTED AS RESOLUTION R-277892

Approving Parcel Map W.O. 891291, located northwesterly
of San Ysidro Blvd. and Averil Road.
(San Ysidro Community Area. District-8.)

FILE LOCATION: SUBD - R2W,T18S,Sec. 35, por.

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108: (R-91-1827) ADOPTED AS RESOLUTION R-277893

Granting an extension of time to 8/1/91 to Pardee
Construction Company, subdivider, to complete the
improvements required in Concord Square Unit No. 2.
(Mira Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On July 29, 1980, the City
entered into an agreement with Pardee Construction Company, a
California corporation, for the construction of public
improvements for Concord Square Unit No. 2. The agreement
expired July 29, 1982. On November 15, 1982, a time extension
was granted to July 28, 1984 by Resolution R-257483. On January
22, 1985, a second time extension was granted to July 28, 1986 by
Resolution R-262356. On December 8, 1986, a third time extension
was granted to July 28, 1987 by Resolution R-267168.

The subdivider has requested a fourth time extension to August 1, 1991 to complete the remaining 5 percent of work identified by the Field Division of Engineering & Development. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD - Concord Square Unit No. 2

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-109: (R-91-1828) ADOPTED AS RESOLUTION R-277894

Granting an extension of time to 8/1/91 to Pardee Construction Company, subdivider, to complete the improvements required in Concord Square Unit No. 3.

(Mira Mesa Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On February 8, 1982, the City entered into an agreement with Pardee Construction Company, a California corporation, for the construction of public improvements for Concord Square Unit No. 3. The agreement expired February 8, 1984. On January 22, 1985, a time extension was granted to February 8, 1986 by Resolution R-262357. On December 8, 1986, a second time extension was granted to February 8, 1987 by Resolution R-276169. On November 2, 1987, a third time extension was granted to February 8, 1988 by Resolution R-269604. The subdivider has requested a fourth time extension to August 1, 1991 in order to complete the remaining 5 percent of the work identified by the Field Inspection Division of Engineering and Development. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD - Concord Square Unit No. 3

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not

present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-91-1831) ADOPTED AS RESOLUTION R-277895

Authorizing the execution of an amendment to the Subdivision Improvement Agreement for Piper Ranch Business Park, to provide for the substitution of TCW Land Fund I Holding Company for Piper Ranch Associates; granting an extension of time for completion of the public improvements to April 10, 1993; accepting Performance Bond No. 1229266, issued by Amwest Surety Insurance Company, in the amount of \$3,436,479 as the surety for the required improvements in the subdivision, and releasing Performance Bond No. 04 65 25, issued by Insurance Company of the West, in the amount of \$3,436,479.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On April 10, 1989, the City entered into an agreement with Piper Ranch Associates, a California general partnership, for the construction of public improvements for Piper Ranch Business Park. The agreement expired on April 10, 1991. The property is now owned by TCW Land Fund I Holding Company. The new owner has signed an amended agreement to assume all of the obligations of the original subdivider and complete the required work. The amended agreement also provides for an extension of time to complete the work to April 10, 1993. No work has been started on this project. The new subdivider has provided a performance bond for the same amount as the original bond in the amount of \$3,436,479. The amended agreement and time extension are in accordance with Council Policy 600-21. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public.

FILE LOCATION: SUBD - Piper Ranch Business Park CONFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111: (R-91-1825) ADOPTED AS RESOLUTION R-277896

Approving the acceptance by the City Manager of the deed of Carmel Mountain Ranch, conveying to the City drainage easements in portions of Lots 58 and 177 of Carmel Mountain Ranch, Unit 22B; authorizing the execution of a quitclaim deed, quitclaiming to Carmel Mountain Ranch all of the City's right, title and interest in the drainage easements in Lots 58, 59 and 60.

(Carmel Mountain Ranch Community Area. District-6.)

FILE LOCATION: DEED F-5601 DEEDFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-91-1826) ADOPTED AS RESOLUTION R-277897

Approving the acceptance by the City Manager of a grant deed of James W. Alexander and William J. Piggott, M.D., a Medical Corporation-Pension Plan, granting to the City an easement for public alley purposes in Lots 19 and 20, Block 3 of Ocean Beach Park, Map-1167; dedicating said land as a public unnamed alley.
(Ocean Beach Community Area. District-2.)

FILE LOCATION: DEED F-5602 DEEDFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-113: (R-91-1843) ADOPTED AS RESOLUTION R-277898

Designating June 9 through 16, 1991, as "Philippine Independence Week."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-114: (R-91-1850) ADOPTED AS RESOLUTION R-277899

Proclaiming the week of June 30 through July 3, 1991,
as "National YMCA Women's Gymnastics Championship Days"
in San Diego, in honor of all participants of this
national event; recognizing each competitor for their
gymnastic ability and declaring them YMCA champions.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-115: (R-91-1727) ADOPTED AS RESOLUTION R-277900

Excusing Councilmember Judy McCarty from attending the
afternoon portion of the Council meeting of Monday,
March 25, 1991, due to travel delay caused by hazardous
road conditions.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-116: (R-91-1726) ADOPTED AS RESOLUTION R-277901

Excusing Councilmember Judy McCarty from attending the Council meeting of Tuesday, April 9, 1991, for the purpose of attending the White House Conference on Library and Information Services California Delegate Orientation in Sacramento, CA.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-117: (R-91-1823) ADOPTED AS RESOLUTION R-277902

Approving the Fiscal Year 1991 budget addendum for the San Ysidro Revitalization Project; authorizing the City Auditor to expend \$40,000 from Fund 18526, Dept. 5896, Org. 9616, on behalf of the San Ysidro Redevelopment Project, Inc.

(San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: San Ysidro Redevelopment Project, Inc. (SYRP) was established by the City Council in May 1989 and is governed by an operating agreement (Oct. 89, RR-274650) with the City. The City is the sole entity with an interest in SYRP and appoints its nine-person Board of Directors (Board). The Board was established to provide a community-based organization to implement various economic development activities such as job development, community revitalization and rehabilitation, including assisting with redevelopment activities and projects. In FY 1989, the City Council approved \$150,000 from CDBG funding for general startup and operating expenses. Additionally, \$40,000 from FY 1991 CDBG was approved to supplement operating and administrative expenses for SYRP.

RECOMMENDATION: That the City Council authorize the expenditure of \$40,000 from FY 1991 CDBG. Funding will be used by SYRP to supplement operating and administrative expenses as outlined in the Operating Agreement.
Aud. Cert. 9100827.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-118: (R-91-1847) TRAILED TO MORNING OF TUESDAY, MAY
14, 1991

Authorizing the execution of an agreement with Hawkins,
Delafield and Wood, for the provision of special
contract counsel services for the materials recovery
facility;

authorizing the expenditure of an amount not to exceed
\$125,000 from the Waste Management Enterprise Fund -
CIP-37-254.0, New Landfill Site - Phase 1, for the
above purpose; authorizing the City Auditor and
Comptroller, upon advice from the administering
department, to transfer excess budgeted funds, if any,
to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION: To facilitate compliance
with AB 939's mandate for diversion of materials from landfills,
the City is pursuing the development of a Materials Recovery
Facility (MRF). On February 1, 1991, the City received two
proposals from vendors for MRF. The proposed facility will
process 300,000 tons per year of mixed solid waste by extracting
recyclables and generating compost. Contracts for the
construction and operation of MRF's are complex and require
specialized expertise due to the financial and tax aspects of
their operation and the corresponding rates of return, and due to
possible revenues to the City. Based upon consultation with the
City Attorney, the City Manager recommends that special contract
counsel services be obtained to assist in the drafting and
negotiation of the final service agreement in order to obtain
terms favorable to the City. The following selection process
proceeded pursuant to Council Policy 300-7 and A.R. 25.70.
Requests for proposals were issued to 9 firms with special
expertise related to solid waste issues. The City received 6
responses. The City Attorney and Waste Management Department
reviewed the responses and determined that the law firm of
Hawkins, Delafield, and Wood (HDW) was the best qualified to
provide said services. HDW has unique experience in providing
contract generation and negotiation services to many agencies on
a variety of solid waste issues including the specific area of
MRF contracts.

Aud. Cert. 9100783.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A443-480.)

* ITEM-119: (R-91-1852) ADOPTED AS RESOLUTION R-277903

Authorizing the execution of an agreement with P & D Technologies for engineering design and construction administration for the rehabilitation of Runway 8L-26R at Brown Field Airport, together with any necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of the project and agreement; authorizing the expenditure of an amount not to exceed \$89,910 in federal grant funds from CIP-31-159.0, Brown Field - Runway Rehabilitation, to provide funds for this project, and an amount not to exceed \$99,900 to supplement funds authorized by Resolution R-276610, as local matching funds.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On September 24, 1990 the City Council adopted Resolution R-276610 accepting a Federal Aviation Administration (FAA) grant in the amount of \$307,800 and authorizing the expenditure of \$34,200 in local matching funds for the rehabilitation of Runway 8L-26R at Brown Field Airport. In response to a request for proposals the Airports Division received nine proposals, interviewed five candidates, and selected P & D Technologies to provide engineering design and construction administration services for the project. Council is requested to authorize a consultant agreement with P & D Technologies to provide these services at a cost of \$99,900.

Aud. Cert. 9100848.

FILE LOCATION: MEET CCONFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-120: (R-91-1851) CONTINUED TO MAY 28, 1991, 10:00 A.M.

Authorizing the execution of an agreement with P & D Technologies, for the engineering design and construction administration of the extension of Runway 10L-28R at Montgomery Field Airport, together with any modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$300,240 in federal grant funds from CIP-31-141.0, Montgomery Field - Runway Extension, to provide funds for this project, and an amount not to exceed \$33,360, to supplement funds authorized by Resolution R-276609, as local matching funds.

(Serra Mesa and Clairemont Community Areas.
District-5.)

CITY MANAGER SUPPORTING INFORMATION: The Montgomery Field Airport Master Plan adopted on July 10, 1984, provided for a 1,200 foot extension of runway 10L-28R. The eastward extension of the runway was recommended to improve safety and mitigate future noise impacts. On September 24, 1990 the City Council adopted Resolution R-276609 which accepted a Federal Aviation Administration (FAA) grant of \$1,581,624 and authorized the expenditure of \$175,736 in Airport Enterprise matching funds for the extension of the runway. In response to a request for proposals, the Airports Division received nine proposals, interviewed five candidates, and selected P & D Technologies to provide engineering design and project administration services for the runway extension. Council is requested to authorize a consultant agreement with P & D Technologies to provide these services at a cost of \$333,600.

Aud. Cert. 9100847.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A041-067.)

MOTION BY McCARTY TO CONTINUE TO MAY 28, 1991, 10:00 A.M.,
AT COUNCIL MEMBER BEHR'S REQUEST FOR MORE INFORMATION.
Second by Pratt. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-not present.

* ITEM-121: (R-91-1834) ADOPTED AS RESOLUTION R-277904

Authorizing the execution of an amendment to the agreement of September 11, 1989 with Lee & Ro Consulting Engineers, for professional services in connection with the Point Loma Wastewater Treatment Plant digesters and roof and heating systems, together with any modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement;

authorizing the expenditure of an amount not to exceed \$168,790 from CIP-46-129.0, Digesters N1 and N2, Roofs and Heating Systems, for the purpose of providing funds for this amendment.

(Peninsula Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The agreement with Lee & Ro Consulting Engineers provides professional services for the evaluation and design of improvements to digester roofs N1/N2 at the Point Loma Wastewater Treatment Plant. The proposed first amendment to the agreement expands the consultant's scope of work and provides additional funds for the consultant's compensation. The existing consultant's fee is \$260,000. This amount was based on a scope of work which included the following: replace the existing concrete roofs on digesters N1/N2; modify the existing heating and mixing systems on digesters N1/N2; and prepare a report evaluating the existing digester structures and digester processes through engineering testing and field investigations. The original agreement with Lee & Ro was structured with the flexibility of altering the scope of work based upon the results of this report. The additional fee will compensate the consultant for the expanded scope of work which includes: repairing the N1/N2 digester walls; repairing deteriorating concrete in the north digester control building; providing new compressor systems for N1/N2 and S1/S2 digesters mixing guns; replacing the boiler/heating systems for digesters N1/N2 and S1/S2; and make repairs to digester S2. The construction budget for this project has been increased from \$2,200,000 to \$4,100,000.

Aud. Cert. 9100612.

WU-U-91-100.

FILE LOCATION: MEET CCONFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-122: (R-91-1835) ADOPTED AS RESOLUTION R-277905

Authorizing the City Manager to terminate a contract
with DBX, Inc. for the construction of traffic signal
and street lighting systems at Mount Acadia Boulevard
and Mount Alifan Drive; authorizing the expenditure of
an amount not to exceed \$7,259 to DBX, Inc. for
contract cost and lost profit.
(Clairemont Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The traffic signal project
at Mt. Acadia Boulevard and Mt. Alifan Drive was put on hold and
is now recommended to be dropped from further consideration.
There was considerable community opposition to the installation
of the new traffic signal at this location and a request was made
to reconsider its installation. The intersection is operating
safely with the existing all-way stop controls, although there
are periods of the day when drivers experience some level of
congestion. Staff will continue to monitor this intersection and
will recommend to Council that a traffic signal be installed in
the future, if conditions change.

On July 20, 1990, a contract was awarded to DBX, Inc. in the
amount of \$64,250. Payment to DBX, Inc. of \$7,529 represents
\$1,004 actual costs (bonding and overhead) incurred by the
contractor and \$6,425 (10 percent) of lost profit.

Aud. Cert. 9100819.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200:

Three actions relative to a Referendary Petition to repeal Ordinance No. O-17609 relating to the ban of alcohol at certain City parks and beaches:

Subitem-A: (R-91-1915) ADOPTED AS RESOLUTION R-277906

Adoption of a Resolution granting the referendary petition and directing the City Attorney to prepare and docket an Ordinance repealing Ordinance No. O-17609 (New Series).

Subitem-B: (O-91-167) INTRODUCED, TO BE ADOPTED MAY 28, 1991

Introduction of an Ordinance repealing Ordinance No. O-17609 (New Series) entitled "An Ordinance Amending Chapter V, Article 6, of the San Diego Municipal Code by Repealing Sections 56.29 and 56.29.1, renumbering Section 56.54 as Section 56.57 and amending that section, and adding Section 56.58, relating to the Prohibition of Alcoholic Beverages at Certain City Parks, Beaches, and Public Rights-of-Way."

Subitem-C: (R-91-1923) NOTED AND FILED

Adoption of a Resolution rejecting the referendary petition and directing the City Attorney to prepare an Ordinance calling a Special Election to be held no later than April 13, 1992.

FILE LOCATION: Subitems-A,C: MEET; Subitem-B: --

COUNCIL ACTION: (Tape location: A488-C229.)

MOTION BY WOLFSHEIMER TO ADOPT SUBITEM-A, INTRODUCE SUBITEM-B, NOTE AND FILE SUBITEM-C, REFER TO THE CITY MANAGER AND CITY ATTORNEY FOR REVIEW OF THE FOLLOWING WITH PERHAPS LOOKING AT A COMPROMISE BY LOOKING AT A SPECIFIC DEADLINE. LOOK AT A RESCISSION AT THIS TIME, PLACING THE ISSUE ON THE BALLOT AT A SCHEDULED ELECTION WHEN IT WOULD NOT COST THE TAXPAYERS \$500,000. IN THE INTERIM PUT INTO PLACE ANOTHER ORDINANCE THAT IS SUBSTANTIALLY DIFFERENT. THIS ORDINANCE SHOULD COVER THE GAP IN TIME AND GIVE THE POLICE THE ABILITY TO ENFORCE THE LAWS ALREADY ON THE BOOKS. COUNCIL MEMBER WOLFSHEIMER'S PROPOSAL: ESTABLISH BEACH ALCOHOL NODES, DESIGNATED AND SEPARATED AREAS, WHERE ALCOHOL COULD BE LAWFULLY CONSUMED ON THE PUBLIC BEACHES. ALCOHOL CONSUMPTION WOULD BE PROHIBITED IN ALL OTHER BEACH AREAS IN

ORDER TO ASSIST POLICE IN CONTROLLING SUBSTANCE ABUSE BY MINORS, DRUNKS, AND OTHERS WHO WOULD COMMIT UNLAWFUL ACTS ON AND ADJACENT TO OUR BEACHES. SUCH LEGISLATION IS NOT WITHOUT PRECEDENT AS ORDINANCES ACROSS THE COUNTRY COMMONLY ESTABLISH SIMPLE NO SMOKING AREAS AS WELL AS COMPLEX COMBAT ZONES. SPECIFICALLY, (1) FOUR B.A.N.s BE ESTABLISHED, ONE EACH IN THE AREAS OF OCEAN BEACH, MISSION BEACH, PACIFIC BEACH AND LA JOLLA, THE EXACT SITES TO BE DETERMINED IN CONJUNCTION WITH THE COMMUNITY GROUPS FOR THESE AREAS. (2) SAID B.A.N.s BE OPEN TO CITIZENS OF ALL AGES, WHETHER THEY CHOOSE TO CONSUME ALCOHOL OR NOT, SO THAT THEY MAY ACCOMPANY THOSE WHO MAY LEGALLY CONSUME IT. (3) SAID B.A.N.s REMAIN IN OPERATION AS A PILOT PROGRAM FOR A PERIOD OF SIX MONTHS WITH A PROVISION FOR UNLIMITED EXTENSIONS OF SIX MONTHS EACH UNTIL SUCH TIME AS SUPERSEDING LEGISLATION IS ENACTED. (4) PORT-A-POTTIES BE LOCATED ON THESE SITES, AND FURNISHED THROUGH THE COURTESY OF REGIONAL ALCOHOLIC BEVERAGE WHOLESALERS AND RETAILERS.

IN ADDITION, REVIEW THE ORIGINAL ORDINANCE WHICH INCLUDED A PARK-BY-PARK APPROACH WITH SPECIFIC SUNSET CLAUSES. FIND OUT WHAT EXACTLY IS THE SITUATION NOW, AND ALSO WHAT THE LAW IS NOW WITHOUT THE LATEST ORDINANCE. PRIOR TO BRINGING THE MATTER BACK TO COUNCIL, REFER IT TO THE PF&R COMMITTEE FOR DISCUSSION SO THAT THE END RESULT IS ONE THAT EVERYONE CAN LIVE WITH. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-201: (O-91-161) HEARING HELD

First public hearing in the matter of:

Amending Ordinance No. O-17468 (New Series), as amended, entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1990-91" to create the new position of Deputy Director for Support Services, Clean Water Program (70731); exempting the position from the Classified Service; amending Exhibit "C" to said Ordinance to include the position in Managerial Category C; and establishing a salary rate.

CITY MANAGER SUPPORTING INFORMATION: This Ordinance will create the position of Clean Water Program Deputy Director for Support Services and will exempt this position from the Classified Service. This action will facilitate implementation of the Clean

Water Program. This proposed position will direct the operations of the Support Services Division of the Clean Water Program. As such, this position will formulate and administer Department policies related to the financing of the Clean Water Program including rate structures, grant administration, cost accounting and the issuance of Municipal Bonds. The position was approved by the Civil Service Commission on April 4, 1991.

WU-CWP-91-179.

NOTE: See Item 332 on the docket of Tuesday, May 14, 1991 for the introduction and adoption of the Ordinance.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: C240-247.)

MOTION BY ROBERTS TO APPROVE THE FIRST HEARING. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-nay, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-202: (R-91-1752) RETURNED TO CITY MANAGER

(Continued from the meeting of April 29, 1991, Item 120, at Councilmember Roberts' request, to allow time to meet with the City Manager's office and the representatives of the Federal Government to re-modify the agreement.)

Authorizing the execution of an Automatic Aid Agreement with the United States Naval Base, San Diego, for mutual fire protection services, together with any necessary amendments or modifications which the City Manager shall deem necessary to carry out the purposes and intent of this agreement.

CITY MANAGER SUPPORTING INFORMATION: It is the policy of the City of San Diego to render fire protection mutual aid to its neighbors whenever such aid is needed. Automatic Aid carries the concept of mutual aid one step further by dropping political boundaries so the nearest fire units would respond, regardless of jurisdiction, thus facilitating even faster responses to emergencies. The City has entered into Automatic Aid Agreements with all other municipalities or governmental agencies adjoining the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A068-087.)

MOTION BY PRATT TO RETURN TO THE CITY MANAGER AT THE CITY MANAGER'S REQUEST FOR TIME TO RECEIVE ALL THE REQUIRED INFORMATION FROM THE NAVY. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-203: (R-91-1838) ADOPTED AS RESOLUTION R-277907

Authorizing the execution of an agreement with the firm of Orrick, Herrington and Sutcliffe for legal consultant services for the City Employees Retirement System in the area of taxation on a requirement basis; authorizing the expenditure of a sum not to exceed \$30,000 for such outside legal services from Department 60011, Organization 100, Object Account 4151. Aud. Cert. 9100849.

FILE LOCATION: MEET CCONFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S400: (R-91-1910) ADOPTED AS RESOLUTION R-277908

Adopting the following legislative positions relating to the Surface Transportation Act of 1991-Truck Standards and Public Transit Funding:

1. Supporting legislation to limit the length and weight of commercial vehicles.
2. Supporting legislation that establishes stringent maintenance standards for trucks at the federal and state levels.
3. Opposing efforts to impose federal standards which would encourage the use of longer combination vehicles (LCV).

4. Supporting MTDB's policy statement, as set forth in Attachment 3 of DLS's Report No. 91-25, relating to the financing of public transit.

5. Directing the Director of the Department of Legislative Services to make the City of San Diego's position known to the City's Washington, D.C. legislative advocates to be conveyed to the appropriate officials.

(See Department of Legislative Services Report DLS-91-25.)

COMMITTEE ACTION: Reviewed by RULES on 5/1/91. Not acted on due to a lack of quorum. Forwarded to the City Council docket for action by the Rules Committee Chair. Districts 4, 7 and Mayor present. Districts 1 and 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-ineligible, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-ineligible, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S401: (R-91-1906) CONTINUED TO MAY 14, 1991, 10:00 A.M.

Adopting Memoranda of Understanding with the Police Officers Association (POA) and Local 145 (Firefighters).

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A025-040.)

MOTION BY PRATT TO CONTINUE TO MAY 14, 1991, 10:00 A.M., AT ATTORNEY KATZ'S REQUEST TO CONSIDER THIS ITEM WITH OTHER MOU MATTERS. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-S402: (R-91-1861) ADOPTED AS RESOLUTION R-277909

Authorizing the execution of a first amendment to the agreement with Sholders and Sanford, Inc. to provide

consultant services for the improvement of Skyline Drive; authorizing the expenditure of an amount not to exceed \$10,146 from CIP-52-377.0, Skyline Drive, Fund No. 30300, for the above project.

(Southeast San Diego and Skyline Paradise Community Areas. District-4.)

CITY MANAGER SUPPORTING INFORMATION: On October 12, 1989, City Council approved a consultant services agreement with Sholders and Sanford, Inc., to provide professional services for the improvement of Skyline Drive between Valencia Parkway and Deerock Place. This agreement did not include improvement of Woodman Street south of Skyline Drive. On July 23, 1990, the City Council authorized the City Manager to award a construction contract to the lowest responsible bidder. On October 12, 1990, a contract was executed with Sim J. Harris. During construction it became apparent that, for public convenience and safety reasons, it was necessary to improve Woodman Street south of Skyline Drive and to redesign the Skyline Drive/Woodman Street intersection so as to meet current design standards. The adjacent property owner who would be responsible for the Woodman Street improvements has not done this work and defaulted on the subdivision agreement. A cost reimbursement district will be set up to recover the appropriate costs associated with these improvements. This change in scope will require that the existing consultant contract be increased by \$10,146. A change order will likely be negotiated with the contractor upon completion of the redesign.

Aud. Cert. 9100834.

FILE LOCATION: MEET CCONFY91-1

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S403: (R-91-1907) ADOPTED AS RESOLUTION R-277910

Authorizing the expenditure of an amount not to exceed \$99,894 from Water Utilities Fund 41500, Water Production Program 70316, for the purpose of repairing and rehabilitating three City-owned farmhouses in San Pasqual Valley.

(See City Manager Report CMR-91-115. San Pasqual
Valley Community Area. District-1.)

COMMITTEE ACTION: Reviewed by PFR on 2/27/91. Recommendation to
approve the City Manager's recommendation. Districts 1, 6, and 7
voted yea. Districts 3 and 8 not present.

Aud. Cert. 9100835.

WU-PR-91-147.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S404: (R-91-1919) ADOPTED AS RESOLUTION R-277911

Supporting the Civil Rights Act of 1991 (H.R.1);
directing the City's Washington, D.C. legislative
advocates to express this support to appropriate
members of Congress and the President.

(See Department of Legislative Services Report
DLS-91-27.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C253-674.)

MOTION BY PRATT TO ADOPT. Second by Hartley. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Pratt-yea, Behr-yea, Henderson-nay, McCarty-nay, Filner-yea,
Mayor O'Connor-yea.

* ITEM-S405: (R-91-1922) ADOPTED AS RESOLUTION R-277912

Authorizing the Planning Director to waive the Mid-City
Development Permit fees associated with the acquisition
of the property located at 3916 Normal Street, to be
used to provide counseling and other services
associated with individuals who are impacted by the

AIDS or HIV disease.
(Mid-City Community Area. District-3.)

SUPPORTING INFORMATION: The Center for Social Services applied for and received \$600,000 in 1990 Community Development Block Grant (CDBG) Funds to assist them in acquiring a building at 3916 Normal Street in the Mid-City Community of San Diego. The total acquisition cost of the property is \$1,200,000. The Center has committed to raise the balance of the acquisition cost from private sources. The action before Council is to waive the fees associated with the Mid-City Development Permit. The fees are the result of converting residential space located above the main floor area to office and meeting room space. The conversion requires on-site parking spaces which are not available at the present time. The site will be used to provide counseling and other services associated with individuals who impacted by the AIDS or HIV disease. Because the City is contributing funding to the project and supports the acquisition of the property it is recommended that the fees be waived.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A400-440.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

ITEM-ND-1: (R-91-2136) ADOPTED AS RESOLUTION R-277913

The matter of the resignation of Planning Director Robert Spaulding; placing the matter of information withheld from the Council on the May 20, 1991 Council agenda.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A156-170;A171-178.)

BY COMMON CONSENT, THE MATTERS WERE ACCEPTED FOR CONSIDERATION.

MOTION BY HENDERSON TO ACCEPT THE RESIGNATION OF BOB SPAULDING EFFECTIVE IMMEDIATELY. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY ROBERTS TO DOCKET FOR THE MAY 20, 1991 AGENDA THE
MATTER OF WHY THIS INFORMATION WAS HELD FROM THE COUNCIL.
Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Alan Herridge to adopt a resolution to support
the Sovereignty Advisory Petition.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D053-072.)

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 6:08 p.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D073-098).

MOTION BY HARTLEY TO ADJOURN IN HONOR OF THE MEMORY OF TOM
HOMANN AND BRIAN JOSEPH ANGELINI. Second by Henderson.
Passed by the following vote: Wolfsheimer-not present,
Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea,
Henderson-yea, McCarty-not present, Filner-not present,
Mayor O'Connor-yea.